

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Tega Cay Water Service, Inc.
for Adjustment of Rates and Charges and
Modifications to Certain Terms and Conditions
for the Provision of Water and Sewer Service

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2009 - 473 - WS

(Please type or print)

Submitted by: Benjamin P. Mustian, Esquire

Address: Post Office Box 8416

Columbia, SC 29202

SC Bar Number: 68269

Telephone: 803-252-3300

Fax: 803-771-2410

Other:

Email: bmustian@willoughbyhoefer.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☐ Transportation
☐ Water
☒ Water/Sewer
☐ Administrative Matter
☐ Other:

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |



WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL
ELIZABETH ZECK*
BENJAMIN P. MUSTIAN
MICHAEL R. BURCHSTEAD
ANDREW J. MACLEOD

AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

TRACEY C. GREEN
ALAN WILSON
SPECIAL COUNSEL

July 26, 2010

*ALSO ADMITTED IN TX

VIA HAND DELIVERY

The Honorable Jocelyn G. Boyd
Interim Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Application of Tega Cay Water Service, Inc. for adjustment of rates and charges and modifications to certain terms and conditions for the provision of water and sewer service. Docket No.: 2009-473-WS

Dear Ms. Boyd:

I am writing to you in reference to the public hearing held by the Commission in the above referenced matter. As you are aware, at the commencement of the hearing, Tega Cay Water Service, Inc. ("TCWS") made a continuing objection to customer statements regarding quality of service not substantiated by data or scientific criteria. The bases of this objection were Patton v. S.C. Pub. Serv. Comm'n, 80 S.C. 288, 312 S.E.2d 257 (1984), Tega Cay Water Service v. S.C. Pub. Serv. Comm'n, C/A No. 97-CP-40-0923 (September 25, 1998), and Commission Order No. 1999-191, dated March 16, 1999, in Docket No. 96-137-W/S. In responding to the objection, the Office of Regulatory Staff ("ORS") requested TCWS to submit a letter to the Commission setting forth the specific portions of the testimony to which the Company objects, the reason for the Company's objection, and the identity of the speaker.

In accordance with ORS's request, TCWS herein sets forth the portions of the testimony presented at the Tega Cay hearing to which it objects which are as follows:

Witness Gene R. Esarove

P. 19, lines 7-9

Witness Bernd Ebert

P. 44, l. 25 – p. 45, l. 15;
P. 47, ll. 4-14.

(Continued . . .)

Witness Frank Rubbo

P. 49, l. 23 – p. 50, l. 17.

Witness Alana Howington

P. 99, l. 16 – p. 100, l. 22;
P. 101, l. 12 – p. 102, l. 15.

Witness Joseph Bright

P. 103, ll. 16-19;
P. 104, ll. 13-16;
P. 105, ll. 20-24;
P. 106, l. 3.

Witness Suzanne Roulette

P. 107, ll. 1-5.

The Company also objects to the following Hearing Exhibits filed with the Commission at the Tega Cay hearing purporting to support or corroborate the portions of testimony to which TCWS objects.

Hearing Exhibit #1 sponsored by Gene R. Esarove
Hearing Exhibit #12 sponsored by Alana Howington

The basis for the objections is that the foregoing is not substantiated by data or based upon scientific criteria as required by law.

If you need any additional information, please do not hesitate to contact me. With best regards, I am,

Sincerely,

Willoughby & Hoefer, P.A.



Benjamin P. Mustian

BPM/cf

cc: Jeffrey M. Nelson, Esquire
James E. Sheedy, Esquire
Susan E. Driscoll, Esquire